

THURSDAY, FEBRUARY 11, 2010

FIFTY-SIXTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Dr. Mike Norris of Franklin Road Baptist Church in Murfreesboro, Tennessee, a guest of Senator Tracy.

PLEDGE OF ALLEGIANCE

Senator Tracy led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

COMMUNICATION

February 8, 2010

Lt. Governor/Senate Speaker Ron Ramsey
One Legislative Plaza
Nashville, TN 37243

Dear Governor Ramsey:

This is to respectfully request your approval of my absence from Session on Thursday morning, February 11. In order to retain my mortgage broker's license, educational credit units are required. The classes this year fall on Thursday, Friday and Saturday of this week.

Thank you for your consideration of my request. Please let me know if you have any questions.

Respectfully,

/s/ Steve Southerland

APPROVED: Lieutenant Governor
Ron Ramsey

STANDING COMMITTEE REPORTS

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2411 with amendment, 2496, 2530, 2617, 2731, 2898 with amendment, 2933, 3034, 3042, 3553 and 3578; also, recommend that Senate Bills Nos. 2502 with amendments, 2814 and 3551 with amendment be referred to Committee on Finance, Ways and Means.

KETRON, Chairperson
February 10, 2010

The Speaker announced that he had referred Senate Bills Nos. 2411 with amendment, 2496, 2530, 2617, 2731, 2898 with amendment, 2933, 3034, 3042, 3553 and 3578 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2502 with amendments, 2814 and 3551 with amendment to the Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 3713; also, recommend that Senate Bill No. 2789 be referred to Committee on Finance, Ways and Means.

GRESHAM, Chairperson
February 10, 2010

The Speaker announced that he had referred Senate Bill No. 3713 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2789 to the Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2428 with amendment, 2431 with amendment, 2433 with amendment, 2434 with amendment, 2436 with amendment, 2446, 2448, 2450, 2452, 2454 and 2949.

WATSON, Chairperson
February 10, 2010

The Speaker announced that he had referred Senate Bills Nos. 2428 with amendment, 2431 with amendment, 2433 with amendment, 2434 with amendment, 2436 with amendment, 2446, 2448, 2450, 2452, 2454 and 2949 to the Committee on Calendar.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2720, 2798, 3144, 3359 and 3870; also, recommend that Senate Bill No. 2959 be referred to Committee on Finance, Ways and Means.

CROWE, Chairperson
February 10, 2010

The Speaker announced that he had referred Senate Bills Nos. 2720, 2798, 3144, 3359 and 3870 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2959 to the Committee on Finance, Ways and Means.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 3920** be passed on second consideration and be referred to the appropriate committee or held on the Clerk's desk, which motion prevailed.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee or held on the Clerk's desk:

Senate Bill No. 3920 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 785 through 788** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 785 by Mr. Speaker Ramsey
Memorials, Personal Occasion -- Lula Mae Bell Tillman, 105th birthday.

Senate Joint Resolution No. 786 by Senator Berke.
Memorials, Recognition -- green|spaces Resource Center in Chattanooga, LEED Platinum Certification.

Senate Joint Resolution No. 787 by Senator Berke.
Naming and Designating -- "National Adoption Day", November 20, 2010.

THURSDAY, FEBRUARY 11, 2010 -- 56TH LEGISLATIVE DAY

Senate Joint Resolution No. 788 by Senator Barnes.
Memorials, Recognition -- Katelin R. Kennedy, Miss Tennessee High School 2010.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolution No. 784**; and **Senate Resolutions Nos. 190 through 192** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

Senate Joint Resolution No. 784 -- General Assembly, Directed Studies -- Requests reports from the Department of Environment and Conservation relative to TVA Emergency Preparedness and transition to Dry Coal Ash Storage.

The Speaker announced that he had referred Senate Joint Resolution No. 784 to the Committee on Environment, Conservation and Tourism.

Senate Resolution No. 190 -- Memorials, Professional Achievement -- Mike Hammond, Country Radio Hall of Fame.

The Speaker announced that he had referred Senate Resolution No. 190 to the Committee on Calendar.

Senate Resolution No. 191 -- Memorials, Recognition -- Wayne Surber.

The Speaker announced that he had referred Senate Resolution No. 191 to the Committee on Calendar.

Senate Resolution No. 192 -- Memorials, Recognition -- Bill Brooks.

The Speaker announced that he had referred Senate Resolution No. 192 to the Committee on Calendar.

MOTION

Senator Woodson moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 785**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 785 -- Memorials, Personal Occasion -- Lula Mae Bell Tillman, 105th birthday.

On motion of Senator Woodson, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 785** was adopted.

MOTION

Senator Berke moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 786**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 786 -- Memorials, Recognition -- green|spaces Resource Center in Chattanooga, LEED Platinum Certification.

On motion of Senator Berke, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 786** was adopted.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 762 -- Memorials, Death -- Q.V. Leinart.

House Joint Resolution No. 790 -- Memorials, Recognition -- Robert L. Sliger.

House Joint Resolution No. 791 -- Memorials, Personal Achievement -- Matthew Allen Spence, Eagle Scout.

House Joint Resolution No. 792 -- Memorials, Personal Achievement -- Jacob Wise, Eagle Scout.

House Joint Resolution No. 797 -- Memorials, Recognition -- Stefanie Wittler, Miss USA 2010, second runner-up.

House Joint Resolution No. 799 -- Memorials, Recognition -- Samples Memorial Baptist Church.

House Joint Resolution No. 800 -- Memorials, Retirement -- Judy Dishman.

House Joint Resolution No. 801 -- Memorials, Death -- William Kevin King.

House Joint Resolution No. 802 -- Memorials, Retirement -- Stephen R. Lesnak.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bill was placed at the heel of the calendar for Wednesday, February 17, 2010, pursuant to Rule 38: **Senate Bill No. 3295.**

Senate Bill No. 2551 -- Litter Control -- As introduced, extends for additional six years to June 30, 2016, the temporary tax on bottles of soft drinks and barrels of beer to fund programs for the prevention and collection of litter. Amends TCA Section 57-5-201(a)(2) and Section 67-4-402(b)(1).

Senator Faulk moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Barnes, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

CALENDAR

House Joint Resolution No. 773 -- Memorials, Death -- Michael Jackson.

House Joint Resolution No. 773 failed for lack of a constitutional majority by the following vote:

Ayes	7
Noes	7
Present, not voting . . .	11

Senators voting aye were: Barnes, Burks, Harper, Haynes, Kyle, Marrero and Tate--7.

Senators voting no were: Beavers, Berke, Burchett, Johnson, McNally, Tracy and Watson--7.

Senators present and not voting were: Bunch, Crowe, Gresham, Henry, Jackson, Kelsey, Ketron, Norris, Stewart, Yager and Mr. Speaker Ramsey--11.

Pursuant to Rule 62, **House Joint Resolution No. 773** was rereferred to Committee on Calendar.

MOTION

Senator Tracy moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3399** on the calendar for the Committee on Transportation for Tuesday, February 16, 2010, which motion prevailed.

MOTION

On motion of Senator Yager, his name was added as sponsor of **Senate Joint Resolution No. 762.**

THURSDAY, FEBRUARY 11, 2010 -- 56TH LEGISLATIVE DAY

On motion of Senators Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Stewart, Tate, Tracy, Watson, Woodson and Yager, their names were added as sponsors of **Senate Joint Resolution No. 785**.

On motion of Senator Watson, his name was added as sponsor of **Senate Joint Resolution No. 786**.

On motion of Senator McNally, his name was added as sponsor of **House Joint Resolution No. 790**.

On motion of Senator Crowe, his name was added as sponsor of **House Joint Resolutions Nos. 791 and 792**.

On motion of Senators Watson, Berke, Barnes, Beavers, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Stewart, Tate, Tracy, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 797**.

On motion of Senators Bunch and Johnson, their names were added as sponsors of **House Joint Resolution No. 799**.

On motion of Senators Kyle and Johnson, their names were added as sponsors of **House Joint Resolution No. 800**.

On motion of Senator Johnson, his name was added as sponsor of **House Joint Resolution No. 801**.

On motion of Senator Barnes, his name was added as sponsor of **House Joint Resolution No. 802**.

On motion of Senators Marrero and Tate, their names were added as sponsors of **Senate Bill No. 3295**.

On motion of Senator Ketron, his name was added as sponsor of **Senate Bill No. 3407**.

On motion of Senator Tate, his name was added as sponsor of **Senate Bills Nos. 2744 and 3296**.

On motion of Senator Burks, her name was removed as sponsor of **Senate Bill No. 94**.

ENGROSSED BILLS

February 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 2551, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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ENGROSSED BILLS

February 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 762 and 785, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENGROSSED BILLS

February 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 786, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 11, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 804, 805, 808, 809, 810, 811, 812, 814, 815, 816, 818, 819 and 821; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 11, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 753, 754, 755, 757, 758, 783, 785 and 786; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

February 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 753, 754, 755, 757, 758 and 783; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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ENROLLED BILLS

February 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 785 and 786, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 11, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 790, 791, 792, 797, 799, 800, 801 and 802; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

February 11, 2010

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 753, 754, 755, 757, 758 and 783.

SIGNED

February 11, 2010

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 785 and 786.

SIGNED

February 11, 2010

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 790, 791, 792, 797, 799, 800, 801 and 802.

MESSAGE FROM THE HOUSE

February 11, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 753, 754, 755, 757, 758 and 783; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 11, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 785 and 786, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

THURSDAY, FEBRUARY 11, 2010 -- 56TH LEGISLATIVE DAY

REPORT OF CHIEF ENGROSSING CLERK

February 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 753, 754, 755, 757, 758 and 783; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

February 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 785 and 786, for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

February 12, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 753, 754, 755, 757, 758, 783, 785 and 786; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, February 17, 2010: Senate Joint Resolutions Nos. 766, 769, 770, 771, 772, 773, 774, 775, 776, 777, 779, 780, 781 and 782; and Senate Resolutions Nos. 189, 190, 191 and 192.

This the 11th day of February, 2010.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, February 17, 2010: Senate Bills Nos. 2446, 2448, 2450, 2452, 2454, 2496, 2617, 2731, 2836, 2933, 2967, 3034, 3057 and 3435; and Senate Resolutions Nos. 178, 179, 180 and 181.

This the 11th day of February, 2010.
MIKE FAULK, Chairperson.

THURSDAY, FEBRUARY 11, 2010 -- 56TH LEGISLATIVE DAY

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bill has been set on the Consent Calendar for Wednesday, February 17, 2010: Senate Bill No. 2380.

This the 11th day of February, 2010.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, February 17, 2010: Senate Bills Nos. 2411, 2570, 2898, 3045, 3498 and 3713.

This the 11th day of February, 2010.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bill and it has been set on the Message Calendar for Wednesday, February 17, 2010: House Bill No. 2376.

This the 11th day of February, 2010.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 8:30 a.m., Wednesday, February 17, 2010, which motion prevailed.